

LAW ENFORCEMENT PROFESSIONAL STANDARDS SUBCOMMITTEE
Professional Development Center
West Virginia State Police Academy
Dunbar, West Virginia

December 8, 2016

MEMBERS PRESENT:

Sheriff Tom McComas
Sheriff-Elect Steve Stephens
Mayor John Manchester
Chief Steve Walker
First Lieutenant James Lee
Ms. Patti Hamilton

MEMBERS REPRESENTED:

Colonel Jay Smithers by
Captain David Lee
Colonel Jerry Jenkins by
Lieutenant Warren Goodson
Chief Ray Fridley by
Chief Brad Rinehart
Retired Lieutenant Terry Miller by
Retired Corporal Dave Gentry
Ms. MaryKaye Jacquet by
Retired Sergeant J. L. Johnson

STAFF:

Retired Captain Chuck Sadler
Ms. Kimberly Mason
Ms. Judy Strickland

The December 8, 2016 meeting of the Law Enforcement Professional Standards (LEPS) Subcommittee was called to order at 9:00 a.m. by the Chair, Retired Chief Stephens. There were eleven (11) members either present or represented which represents a quorum of the Subcommittee membership, at the start of the meeting.

Sheriff Tom McComas informed the members that he was retiring from office on December 31, 2016. With that retirement and him no longer serving as the President of the West Virginia Sheriff's Association he will no longer be serving as a member of the Subcommittee. Sheriff Porter, Logan County Sheriff's Office, current President of the Sheriffs Association will be serving on the Subcommittee.

Sheriff McComas was presented with a plaque by the Chair, Sheriff Elect Stephens and Retired Captain Sadler expressing the appreciation of the Subcommittee members of his dedication and commitment as a member of the LEPS Subcommittee for the eleven years he served on the Subcommittee. There was strong consensus agreement by the members as to this well-deserved recognition.

The following actions were taken during this meeting in reference to the agenda items scheduled:

1. Agenda Item 1 – Retired Captain Sadler informed the Subcommittee that the minutes from the October 27, 2016 meeting will be available for review and approval at the January 26, 2017 meeting.
2. Agenda Item 2 – Retired Captain Sadler provided an update on the LEPS Fund Account. In that there was no regularly scheduled meeting during November he reviewed that the November 1, 2016 financial report reflected a balance of \$249,108 in the account and that the December 1, 2016 financial report reflected a balance of \$303,640. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson that the Financial Report be accepted as presented. The motion was approved unanimously without any discussion and no negative votes cast.
3. Agenda Item 3A – Motion made, Captain Lee, seconded, Sheriff McComas, for the approval of applications of individuals listed as certified law enforcement instructors in the areas of expertise listed. The motion was approved unanimously without any discussion and no negative votes cast.
4. Agenda Item 3B – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, that the consideration from the listed individual to be approved to teach the Basic Instructor Development Course be tabled until the January 26, 2017 meeting at that individual's request as he had a scheduling conflict. The motion was approved unanimously without any discussion and no negative votes cast.

5. Agenda Item 4 – Motion made, Sheriff McComas, seconded Retired Sergeant Johnson, for the approval of applications for additional areas of expertise to be approved for previously certified law enforcement instructors. The motion was approved unanimously without any discussion and no negative votes cast.
6. Agenda Item 5A – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, that the classes listed in the agenda packet be approved for annual in-service credit for the 2017 Training Year period that ends June 30, 2017. The motion was approved unanimously without any discussion and no negative votes cast.
7. Agenda Item 5B – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, that the classes listed in the agenda packet be approved for supervisory in-service credit for the 2017 Training Year period that ends June 30, 2017. The motion was approved unanimously without any discussion and no negative votes cast.
8. Agenda Item 5C – Motion made, Captain Lee, seconded, Retired Sergeant Johnson, that the classes listed in the agenda packet be approved for personal in-service credit for the 2017 Training Year period that ends June 30, 2017. The motion was approved unanimously without any discussion and no negative votes cast.
9. Agenda Item 5D – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, that the Instructor Level In-Service Training class listed in the agenda packet be approved as in-service credit for the 2017 Training Year period that ends June 30, 2017. The motion was approved unanimously without any discussion and no negative votes cast.
10. At the indication of the Chair, Sheriff-Elect Stephens that there were personnel related matters to be discussed under Agenda Items 9 through 16, there was a motion made by Sheriff McComas, seconded, Retired Sergeant Johnson, and approved unanimously without discussion for the Subcommittee to go into executive session at 9:09 a.m. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, and approved unanimously without discussion for the Subcommittee to come out of executive session at 9:54 a.m., no action having been taken during the executive session on any of the items discussed. The Chair then moved to address, as necessary, the agenda items that had been discussed while in executive session.
11. Agenda Item 6 – Order to Stop Working. None presented. No action required.
12. Agenda Item 7 – There was one (1) Criminal Conviction Record as to an applicant for the Entry Level Training Program. This officer was not required

- to appear for review before the LEPS Subcommittee members because it was determined on review of his records check and in checking with his employing agency that there were are convictions on his criminal history/CIB that required a review and decision by the members. His agency and the Academy had been advised by Retired Captain Sadler that he could continue in the entry level training process to be a member of the 169th Basic Class. Presented for informational purposes as such. No action required.
13. Agenda Item 8 – Request to attend the Entry Level Training Program as a Private Citizen or be approved to be employed once again as a sworn officer following a departure from the entry level training program. None presented. No action required.
 14. Agenda Item 9A – Officer #1 – Officer's appeal to Ohio County Circuit Court of the decision by Director Staton upholding the revocation of that officer's certification. Required paperwork has been filed in response to this appeal. Ms. Webb-Barber will insure that next required steps are taken on this matter. Presented for informational purposes. No action required.
 15. Agenda Item 9B – Officer #2 – Officer's appeal to Raleigh County Circuit Court remains before the Judge it has been assigned to. The status of this appeal is being monitored. Presented for informational purposes. No action required.
 16. Agenda Item 9C – Director Staton is still reviewing the request from Fairmont State University to administer a regional police academy on their campus. The Subcommittee members requested an extension by Mr. Staton before makes his decision to gather and submit additional information. Ms. Webb-Barber is addressing this.
 17. Agenda Item 9D – Officer #3 – This officer did not appear before the Subcommittee as to his certification review referencing a criminal conviction. Information presented to the members, through their agenda packet for this meeting, that the officer was found guilty, at the federal level, of excessive force against a prisoner. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, to revoke this officer's certification based on the criminal conviction. The motion was approved unanimously without any discussion and no negative votes cast. The LEPS Program staff will prepare a Position Statement for the members' review and approval addressing this revocation.
 18. Agenda Item 10.A – Retired Chief Stephens asked if there was a motion to be made concerning the temporary reactivation status of the officers listed. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, to approve the full reactivation of the law enforcement certification of the nine (9) law enforcement officer's listed in the agenda packet. The motion was approved unanimously without any discussion and no negative votes cast.

19. Agenda Item 10.B.1 – Officer #1 appeared before the Subcommittee requesting certification reactivation from where he had left prior agency with standing in question. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, to approve the full reactivation of this officer's West Virginia law enforcement certification as the circumstances involved did not rise to a level supporting a certification revocation. The motion was approved unanimously without any discussion and no negative votes cast.
20. Agenda Item 10.B.2 – Officer #2 appeared before the Subcommittee requesting certification reactivation from where he had left prior agency with standing in question. The officer had requested that this matter be tabled as the Mayor of the city where he had been previously employed had advised he would be present at this meeting to speak on his behalf but then was not able to due to a scheduling conflict. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, to table the certification reactivation review concerning this officer until the January 26, 2017 meeting to allow the Mayor to be present. The motion was approved unanimously without any discussion and no negative votes cast. Retired Captain Sadler informed the members that a subpoena will be issued to the Mayor for the January meeting.
21. Agenda Item 11 – This individual appeared before the Subcommittee for reactivation review following separation of more than sixty (60) months as a West Virginia law enforcement officer. He provided detailed information on the law enforcement related training and experience he had received during the period that he was not working as a sworn officer in West Virginia. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, that based on this training and work related experience that this officer had completed that he be approved to attend the September 2017 three week recertification class. The motion was approved unanimously without any discussion and no negative votes cast.
22. Agenda Item 12 – Equivalent certification program reviews as to decisions made. None presented. No action required.
23. Agenda Item 13 – Review of officer's ability to enter and complete the entry level training program. None presented. No action required.
24. Agenda Item 14 – Retired Captain Sadler provided an update on this former officer who is requesting accommodations relating to attendance in the entry level training program. He was scheduled to be evaluated by a doctor in Huntington prior to this meeting but the former officer had to reschedule the appointment. Presented for informational purposes. No action required.

25. Agenda Item 15 – Officer resigned the 168th Basic Class following his termination from his law enforcement agency. Presented for informational purposes. No action required.
26. Agenda Item 16 – FOIA requests and responses – Retired Captain Sadler reviewed with the members the information that had been sought under this request and what had been provided in response to it. Provided for informational purposes only. No action required.
27. Agenda Item 17 – There were three (3) request for funding from the LEPS Fund in support of entry level training from the West Virginia State Police.
28. Agenda Item 17.A – Request for funding from the LEPS Fund from the West Virginia State Police in the amount of \$138,982 to operate the 169th Basic Class. As there were sufficient funds in the LEPS Fund to do so Retired Captain Sadler recommended that this request be approved. Motion made, Sheriff McComas, seconded, Chief Walker, to provide the funding requested to conduct the 169th Basic Class to be conducted from January 9, 2017 to April 28, 2017 at the West Virginia State Police Training Academy. The motion was approved unanimously without any discussion and no negative votes cast.
29. Agenda Item 17.B – Request for funding from the LEPS Fund from the West Virginia State Police in the amount of \$117,983 to provide funding for firearms qualifications during the 169th through 172nd Basic Classes. As there were sufficient funds in the LEPS Fund to do so Retired Captain Sadler recommended that this request be approved. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, to provide funding for ammunition for firearms training to be conducted during the 169th Basic Class through the 172nd Basic Classes at the West Virginia State Police Training Academy during the calendar year 2017. The motion was approved unanimously without discussion and no negative votes cast.
30. Agenda Item 17.C – Retired Captain Sadler reviewed the funding requests from the LEPS Fund by the West Virginia State Police for the operation of the 170th Basic Class, in the amount of \$132,644 and 171st Basic Class, in the amount of \$132,316. He recommended their approval in these amounts, but asked, due to level of the LEPS Fund following the approval of the awards for the 169th Basic Class and ammunition award for the 169th through 172nd Basic Classes, that the approval be made with the indication that the awarding of each request was to be upon there being sufficient funding in the LEPS Fund to make each award. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, to provide funding as it is available within the LEPS Fund to conduct the 170th Basic Class scheduled April 3, 2017 to July 21, 2017 and the 171st Basic Class scheduled June 12, 2017 to September 29, 2017, both to be conducted at the West Virginia State Police Training Academy. The

motion was approved unanimously without discussion and no negative votes cast.

31. Agenda Item 18 – The Basic Class schedule for 2017 was provided to the members of the LEPS Subcommittee. Provided for informational purposes, no action required.
32. Agenda Item 19 – Information was provided referencing meal rate increase at the Academy for in-service style/meeting related meals. Did not impact entry level costs, but it may be time to begin discussion on what is considered day to day cost of officer attending a Basic Class. Information on in-service training rate increase was provided for informational purposes. No action required. Consensus agreement of members present that no action needed to be taken at this time to change the daily cost, currently set at \$25/day, for the lodging and meal costs for officers attending the entry level training program Basic Classes.
33. Agenda Item 20 – Retired Captain Sadler provided an update on legislative rules being addressed during the interim and 2017 Legislative sessions. Required action has been taken concerning each rule as to interim legislative meetings. Next projected action on these rules will be during the regular session of the 2017 Legislature. Presented for informational purposes. No action required.
34. Agenda Item 21 – Discussion concerning what course of fire to set for qualifications that will begin the 2018 training year on July 1, 2017. Retired Captain Sadler advised that he would work to set a meeting of the committee of the Subcommittee set during the 2016 Rules Retreat to discuss this course of fire. That committee would make final recommendation to the Subcommittee for the course of fire to be set. No action required at this time on this matter.
35. Agenda Item 22 – Retired Chief Stephens noted that the next LEPS Subcommittee meeting is scheduled for Thursday, January 26, 2017 at 9:00 a.m. at the PDC.

There being no further agenda items set for discussion a motion was made by Retired Sergeant Johnson, seconded Captain Lee to adjourn this meeting. The motion passed unanimously with no discussion. Meeting adjourned at 10:12 a.m.